



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#29/ Appeal
Brief
M. Watts
10/1/02
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In re PATENT APPLICATION of

MARTIN et al.

Group Art Unit: 3724

Application No: 09/291,983

Examiner: C. Dexter

Filed: April 15, 1999

For: LOW PROFILE HACKSAW

SEP 30 2002
TECHNOLOGY CENTER R3700

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September 25, 2002

LETTER

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Responsive to the Notification of Non-Compliance with 37 C.F.R. 1.192(c) ("the Notification") enclosed is a new Appeal Brief in triplicate obviating the errors noted by the Examiner in the Notification.

The Examiner objected to the original Appeal brief due to the failure to include a concise explanation of the invention with reference to the specification and drawings. This has been rectified in the attached Appeal Brief.

The Examiner also objected to the original Appeal Brief due to the failure of the Applicants to argue why the dependent claims that do not stand with independent claim 1 are separately patentable. The Applicant traverses this rejection.

In the original Appeal Brief the Applicant specifically argued that each of those dependent claims that do not stand with claim 1 are separately patentable because the Examiner has failed to establish the proper prima facie case of obviousness for each of those dependent claims (see the paragraph bridging pages 7 and 9 of the original Appeal Brief). Each of these dependent claims recites a preferred, advantageous feature of the disclosed embodiments, and with respect to each of those claims the Examiner has failed to cite any evidence whatsoever in support of his obviousness rejections.

The Applicants believe the original Appeal Brief to be clear on this point and thus see no reason to elaborate further. However, the accompanying Appeal Brief supplements the original Appeal Brief to make the Applicants' position clearer in this regard. It should be

noted that the Applicants find it troublesome for the Examiner to dispute this issue when the Examiner himself has provided no evidence in his rejections for the Applicants to argue against with respect to these separately patentable dependent claims.

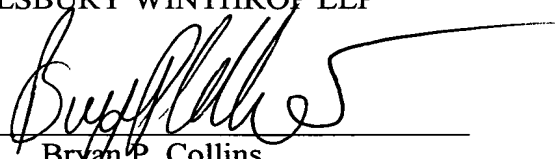
Based on the foregoing, entry of the accompanying Appeal Brief is respectfully requested.

No fees are believed to be due, as they were already paid with the original Appeal Brief. However, if fees are properly due please charge them to Account No. 03-3995 under Order No. 81427/259035.

Respectfully submitted,

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